

Notice of Allowability

Application No.

10/081,166

Applicant(s)

STEGER ET AL.

Examiner

Art Unit

David O. Reip

3733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 8/31/05.
2. ☒ The allowed claim(s) is/are 34,36-41,43-45,54,55,66,72-75,78-82,84,85,92,93,101 and 108-128.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Malinzak on 9/30/05.

The application has been amended as follows:

34. The device of Claim 108, further comprising a fastening device adapted to be disposed through the first threaded aperture and the second aperture and engage the device to secure the first and second bone fixation regions to one or more portions of bone.

37. The device of Claim 36, wherein the head member is externally threaded for engaging said first threaded aperture.

43. The device of Claim 108, wherein said second aperture is threaded.

108. A device for coupling bone across a fracture or osteotomy, comprising:

a first bone fixation region having a first surface and a second surface that is opposite the first surface;

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a second bone fixation region having a third surface and a fourth surface that is opposite the third surface;

a bridge region extending between the first bone fixation region and the second bone fixation region, the bridge region includes a fifth surface and a sixth surface that is opposite the fifth surface;

an upper plane extending from the first surface to the third surface;

a lower plane extending from the second surface to the fourth surface, the lower plane is opposite the upper plane, the lower plane contacts the bone when the device is mounted to the bone;

a first gap between the fifth surface and the upper plane, the fifth surface proximate to and offset from the upper plane;

a second gap between the sixth surface and the lower plane, the sixth surface proximate to and offset from the lower plane;

a first threaded aperture extending through the first bone fixation region from the first surface to the second surface; and

a second aperture extending through the second bone fixation region from the third surface to the fourth surface.

111. A device for coupling bone across a fracture or osteotomy comprising:

a first bone fixation region having a first surface and a second surface that is opposite the first surface;

a second bone fixation region having a third surface and a fourth surface that is opposite the third surface;

a bridge region extending between the first bone fixation region and the second bone fixation region, the bridge region includes a fifth surface and a sixth surface that is opposite the fifth surface, the fifth surface is recessed relative the first and third surfaces to form a first gap, the sixth surface is recessed relative the second and fourth surfaces to form a second gap;

a first threaded aperture extending through the first bone fixation region from the first surface to the second surface; and

a second aperture extending through the second bone fixation region from the third surface to the fourth surface.

116. The device of Claim 115, wherein the head member is externally threaded for engaging said first threaded aperture.

121. The device of Claim 111, wherein said second aperture is threaded.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David O. Reip whose telephone number is 571-272-4702. The examiner can normally be reached on 7 A.M.- 4:30 P.M. Mon-Thu and every other Fri..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eduardo Robert can be reached on 571-272-4719. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "David O. Reip", is positioned above the printed name.

David O. Reip
Primary Examiner
AU 3733